

# **Memorandum of Understanding**

**Among  
The Environmental Protection Agency  
The Department of Energy  
and  
The Department of Defense  
Concerning Cooperation in Environmental Security  
July 3, 1996**

The Environmental Protection Agency, the Department of Energy, and the Department of Defense (the Parties),

Recognizing that America's national interests are inextricably linked with the quality of the earth's environment, and that threats to environmental quality affect broad national economic and security interests, as well as the health and well-being of individual citizens;

Recognizing that environmental security, including considerations of energy production, supply and use, is an integral component of United States national security policy and that strong environmental security contributes to sustainable development;

Recognizing that environmental degradation can have global consequences that threaten the environment, health and safety in the United States;

Recognizing the central role of science and technology in promoting sustainable development and in responding to global threats to environmental security;

Recognizing the need to overcome the environmental legacy of the Cold War in order to promote prosperity and stability;

Recognizing that the Secretary of State has primary responsibility for the conduct of United States foreign policy;

Recognizing that each of the Parties has a different experience, expertise, and perspective and that their collaboration can uniquely assist in addressing international problems of importance for environmental security and can serve as a model for other countries;

Recognizing that each of the Parties has an important role to play in demonstrating and promoting approaches and technologies that achieve safe and effective environmental management in defense-related activities in the United States and abroad;

Recognizing that the Parties have established cooperation with the private and public sectors as a basis for jointly addressing sustainable development and environmental security; and

Believing that enhanced cooperation on international environmental protection issues that is consistent with United States foreign policy and national security objectives is of mutual benefit,

Have agreed as follows:

## I. Purpose

1. The purpose of this Memorandum is to establish a framework for cooperation among the Parties to strengthen coordination of efforts to enhance the environmental security of the United States, recognizing the linkage of environmental and national security matters.

The parties do not intend this Memorandum to create binding legal obligations.

## II. Scope

1. The Parties shall develop and conduct cooperative activities relating to the international aspects of environmental security, consistent with United States foreign policy and their individual mission responsibilities, utilizing their legal authorities and facilities appropriate to specific tasks directed at achieving mutually agreed upon goals.
2. Cooperative activities under this Memorandum may be conducted in areas contributing to improved environmental security, where such cooperation contributes to the efficiency, productivity, and overall success of the activity. Such activities include: information exchange, research and development, monitoring, risk assessment, technology demonstration and transfer, training, emergency response, pollution prevention and remediation, technical cooperation, and other activities concerned with radioactive and non-radioactive contamination and other adverse environmental impacts on terrestrial areas, the atmosphere, hydrosphere, cryosphere, the biosphere (including human health) and the global climate system; defense or defense (strategic industrial activities, energy production, supply and use, and related waste management); or other such matters as the Parties may agree upon, according to criteria to be mutually developed by the Parties.
3. The forms of cooperation under this Memorandum may consist of the following: participation in joint projects addressing the activities cited in paragraph 2 above, including sharing of technical expertise; cooperative work to institute and enhance environmental management systems related to defense activities; information management and exchange; participation in relevant symposia, conferences and seminars; development of joint scientific and policy publications; provision of equipment and associated materials to foreign entities through the appropriate instrument, consistent with United States law; temporary assignments of personnel from one Party to another; and such other forms of cooperation as the Parties may agree upon.
4. Each Party may use the services of and enter into agreements with appropriate institutions, such as universities and governmental and non-governmental organizations, to develop and conduct activities under this Memorandum, consistent with

applicable law. Where required by law, applicable regulations or procedures, such agreements shall be subject to consultation with and the concurrence of the Department of State.

### III. Funding

1. Unless otherwise agreed, each Party shall provide the resources for its participation in activities under this Memorandum. The ability of each Party to carry out activities under the Memorandum shall be subject to the availability of appropriated funds, personnel, and other resources.
2. The details of any interagency transfer of funds will be set forth in specific interagency agreements. This Memorandum shall not be used to obligate or commit funds or as the basis for the transfer of funds between or among the Parties.

### IV. Management

1. Activities undertaken under this Memorandum will be consistent with applicable authorities and, where required, in consultation with and/or concurrence of the Department of State.
2. Each Party shall designate in writing a Program Coordinator and a Deputy to manage activities under this Memorandum. Each Party may designate a replacement Program Coordinator or Deputy at any time upon written notice to the other Parties. The Program Coordinators shall meet at least semi-annually, and at other occasions as deemed necessary and at the request of any Party, to discuss and evaluate the progress of activities under the Memorandum or to review other matters concerning the Memorandum, such as future policy and programmatic direction.
3. The Parties may enter into agreements under this Memorandum to undertake specific activities. Each agreement will specify: the scope of the activity; expected project period; responsibilities of the implementing agencies, including those related to funding and personnel assignments; anticipated results; reporting procedures, if appropriate; and any other relevant matters.
4. Each Party shall make available to the other parties all technical information obtained through the implementation of this Memorandum and such information will be made available to third parties, except that nothing in this Memorandum shall be construed to require a Party to make available or allow access to information:
  - (a) the disclosure of which would impede law enforcement; or
  - (b) that is protected from disclosure by U.S. law governing business or proprietary information, personal privacy, the confidentiality of internal government decision making processes, or protection of national security.
5. In the event that any activity undertaken by the parties to implement the purposes of this Memorandum involves access to and sharing or transfer of technology subject to patents or other intellectual property rights, such access and sharing or transfer will be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights.

V. Effective Date, Renewal, Amendment, Withdrawal and Termination

1. This Memorandum shall become effective upon signature by all parties and shall remain in effect for a period of five years. Unless one of the Parties notifies the other Parties in writing of its intent to terminate this Memorandum ninety days prior to its expiration, the Memorandum shall be automatically renewed for an additional five-year period. Thereafter, it may be renewed for successive five-year periods by written agreement of the Parties.
2. This Memorandum may be amended at any time by written agreement of the parties, including to add new parties. Any party may withdraw from this Memorandum after consultation with the other parties. The Memorandum may be terminated at any time after consultations among the parties. Unless otherwise agreed in writing, any Party's withdrawal from, or the termination of, this Memorandum shall not affect the validity or duration of activities undertaken pursuant to the Memorandum that have been initiated prior to, but not completed at the time of, such withdrawal or termination.

IN WITNESS WHEREOF, the undersigned have signed this Memorandum of Understanding.

Done this 3rd day of July, 1996.

FOR THE ENVIRONMENTAL PROTECTION AGENCY  
*Carol M. Browner*  
Administrator

FOR THE DEPARTMENT OF ENERGY  
*Hazel R. O'Leary*  
Secretary

FOR THE DEPARTMENT OF DEFENSE  
*William J. Perry*  
Secretary